

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA—LOS ANGELES DIVISION

In re: Verity Health System of California, Inc., Debtor.	Lead Case No.: 2:18-bk-20151-ER Adv. No.: 2:20-ap-01575-ER
St. Vincent Medical Center et al., Plaintiffs, v. California Physicians' Service dba Blue Shield of California, Defendant.	ORDER TO COMPLY WITH LOCAL BANKRUPTCY RULE 7016-1 RE: STATUS CONFERENCE STATUS CONFERENCE: Date: June 14, 2022 Time: 10:00 a.m. Location: Ctrm. 1568 Roybal Federal Building 255 East Temple Street Los Angeles, CA 90012

The Court will conduct a Status Conference at the above-captioned date and time. Based on a review of the docket, the Court finds that the Parties/Counsel have not filed a Joint Status Report "at least 14 days before the date set for" the upcoming status conference hearing pursuant to Local Bankruptcy Rule ("LBR") 7016-1(a)(2).

IT IS HEREBY ORDERED that the failure of the Parties/Counsel to file Unilateral Status Reports "not less than 7 days before the date set for" the upcoming Status Conference, pursuant to LBR 7016-1(a)(3), will result in a sanction of not less than \$250.00 unless such filing is excused by the Court.

IT IS FURTHER ORDERED that pursuant to LBR 7016-1(f), the Court reserves the right to order one or more of the following:

- 1) As to Plaintiff, dismissal of the action for failure to prosecute, pursuant to Civil Rule 41;
- 2) As to Defendant, striking of the answer, entry of default, and entry of judgment in favor of Plaintiff.

IT IS FURTHER ORDERED that parties may appear at the hearing either in-person or by telephone. The use of face masks in the courtroom is optional. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.

THE PARTIES ARE FURTHER ADVISED that LBR 7016-1 serves to implement Civil Rule 16's purpose in adversary proceedings, and provides:

7016-1. STATUS CONFERENCE, PRETRIAL, AND TRIAL PROCEDURE

(a) Status Conference. In any adversary proceeding, the clerk will include in a summons, notice of the date and time of the status conference.

- 1) Who Must Appear. Each party appearing at any status conference must be represented by either the attorney (or party, if not represented by counsel) who is responsible for trying the case or the attorney who is responsible for preparing the case for trial.
- 2) Contents of Joint Status Report. Unless otherwise ordered by the court, at least 14 days before the date set for each status conference the parties are required to file a joint status report using mandatory court form F 7016-1.STATUS.REPORT (and F 7016-1.STATUS.REPORT.ATTACH, if applicable)
- 3) Unilateral Status Report. If any party fails to cooperate in the preparation of a joint status report and a response has been filed to the complaint, each party must file a unilateral status report not less than 7 days before the date set for each status conference, unless otherwise ordered by the court. The unilateral status report must contain a declaration setting for the attempts made by the party to contact or obtain the cooperating of the non-complying party. The format of the unilateral status report must substantially comply with mandatory court form F 7016-1.STATUS.REPORT.

The consequences of failing to comply with the foregoing LBRs are explicit within their terms.
LBR 7016-1(f) and (g) provide:

Sanctions for Failure to Comply with Rule. In addition to the sanctions authorized by F.R.Civ.P. 16(f), if a status conference statement or a joint proposed pretrial stipulation is not filed or lodged within the times set forth in subsections (a), (b), or (e), respectively, of this rule, the court may order one or more of the following:

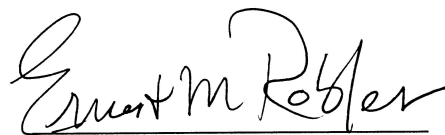
- 1) A continuance of the trial date, if no prejudice is involved to the party who is not at fault;
- 2) Entry of a pretrial order based [upon] conforming party's proposed description of the facts and law;
- 3) An award of monetary sanctions including attorneys' fees against the party at fault and/or counsel, payable to the party not at fault; and/or
- 4) An award of non-monetary sanctions against the party at fault including entry of judgment of dismissal or entry of an order striking the answer and entering a default.

Failure to Appear at Hearing or Prepare for Trial. The failure of a party's counsel (or the party, if not represented by counsel) to appear before the court at the status conference or the pretrial conference, or to complete the necessary preparations therefor, or to appear at or to be prepared for trial may be considered an abandonment or failure to prosecute or defend diligently, and judgment may be entered against the defaulting party either with respect to a specific issue or as to the entire proceeding, or the proceeding may be dismissed.

IT IS SO ORDERED.

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Date: June 3, 2022

A handwritten signature in black ink, appearing to read "Ernest M. Robles", written over a horizontal line.

Ernest M. Robles
United States Bankruptcy Judge